

REMARKS

Claims 1, 6, 7, 9, 11, 12, 14, 16, 17, 19, 25-26, 28, 32, 36, and 41-46 are amended, claim 4 is canceled, and no claims are added; as a result, claims 1-3 and 5-49 are now pending in this application.

No new matter has been added through the amendments to claims 1, 6, 7, 9, 11, 12, 14, 16, 17, 19, 25-26, 28, 32, 36, and 41-46.

Information Disclosure Statements

Applicants thank the Examiner for returning with this Final Office Action a signed copy of the Information Disclosure Statement mailed by the Applicants' representatives on April 27, 2005. However, Applicants note that two additional submissions of a Form 1449 have been made in this matter. The first was mailed by the Applicants' representatives on October 24, 2000, and the second was mailed by the Applicants' representatives on September 13, 2002. Copies of the first and the second submitted Form 1449 have been included with this response.

Applicants also note that an incompletely-initialed copy of a third Form 1449, which included two pages and was mailed by the Applicants' representatives on January 30, 2003, was included in a non-final Office Action mailed January 13, 2005. In the non-final Office Action mailed January 13, 2005, only a copy of the first of the two pages from the third Form 1449 was initialed and returned with the non-final Office Action. Any copies of the second page from the third Form 1449 appear to be completely missing from the non-final Office Action. A copy of both page 1 and page 2 from the third Form 1449 have also been included with this response.

Applicants respectfully request that a copy of each of the Form 1449 submissions, listing all references that were submitted with the Information Disclosure Statements filed on October 24, 2000, September 13, 2002, and January 30, 2003, marked as being considered and initialed by the Examiner, be returned with the next official communication.

§102 Rejection of the Claims

Claims 1-3, 5-38, and 41-49 were rejected under 35 U.S.C. § 102(e) for anticipation by Hinson et al. (U.S. 6,829,770) and by Thatte et al. (U.S. 6,442,620) and by Teegan et al. (U.S. 6,748,555).

The references of Hinson et al., Thatte et al., and Teegan et al. fail to teach all of the elements included in claims 1-3, 5-38, and 41-49.

Claim 1 recites, "creating a workflow to be executed on the workflow server engine in response to an event from the event source." Claim 14 recites, "associating the defined event with a workflow so that the associated workflow is executed on the workflow server engine in response to an event from the new subsystem." Claim 20 recites, "a workflow server engine for executing workflows in response to events from the plurality of event providers." Claim 26 recites, "a workflow server engine adapted to execute workflow on the workflow server engine in response to an event." [Emphasis added in all instances].

Further, claim 28 recites, "executing one of the workflows in response to at least one event." Claim 32 recites, "creating a workflow to be executed on the workflow server engine in response to an event including communications with the service." Claim 36 recites, "a plurality of workflow server engines connected to the centralized database server, wherein the database server provides information to the workflow server engines for executing workflows in response to an event." Claim 42 recites, "providing a workflow server engine adapted to execute workflow on the workflow server engine in response to an event." Claim 46 recites, "creating a workflow to be executed on the workflow server engine in response to an event from the event source." [Emphasis added in all instances].

In contrast, Teegan et al. at column 3, lines 19-23 states, "In an architecture accommodating software objects, operations on software objects are monitored to generate information for a software management software system." [Emphasis added]. Further, Teegan et al. at column 11, lines 32-40 states,

Consequently, when the client program at the client computer 302 wishes to perform an operation on the monitored software object 312 (e.g., a method call), the client program at the client computer 302 does so via the reference to proxy 310 (e.g., using the normal method call semantics

of COM described above). The proxy 310 then both performs the action on the monitored software object 312 and directs a notification to the collector 342 in the software manager 340. As the software object 312 performs work, it may access the functionality of another software object 334 executing in another (or the same) execution environment 330 through a proxy 332, which may also direct a notification to the collector 342. Additionally, if the monitored software object 312 accesses a system service 322 running in a system process 320, the system service 322 may direct additional notifications to the collector 342. Finally, the monitored software object 312 may invoke the functionality of a monitored software object on a remote server 304; the monitored software object on the remote server 304 directs a notification to a software manager running on the remote server 304. The notification could be sent back to the server computer 306 and collected by collector 342. [Emphasis added].

Thus, Teegan et al. describes a system where a monitored software object performs the work, and where notifications are directed to a software manager system. Teegan et al. describes how these notifications are handled in the software management architecture at column 15, lines 30-34 wherein, "As notifications from various sources arrive at a software manager, they are logged as primary operational management metrics and transformed into derived operational management metrics." [Emphasis added].

Hence, Teegan et al. discloses receiving notifications and deriving operational management metrics from these notifications. However, there is no teaching in Teegan et al. of creating workflow to be executed on the workflow server engine, as recited for example in claims 1, 32, and 46. Teegan et al. merely discloses providing metrics, which are not workflows. Further, there is no teaching in Teegan et al. of creating workflows in response to an event. Teegan merely describes collecting the notifications and deriving metrics from the notification. (See e.g. Teegan et al. at column 17, line 37-column 18, line 4).

Because Teegan et al. fails to teach creating workflows to be executed on a workflow server engine in response to an event, Teegan et al. fails to teach all of the elements recited in independent claims 1, 14, 20, 26, 28, 32, 36, 42, and 46. Applicants fail to find, and the Final Office Actions fails to point out, in either Hinson et al. or Thatte et al. all of the elements recited in claims 1, 14, 20, 26, 28, 32, 36, 42, and 46 and missing from Teegan et al. Thus, the cited references used in the 35 U.S.C. § 102(e) rejection fail to teach all of the elements included in independent claims 1, 14, 20, 26, 28, 32, 36, 42, and 46.

Further, claims 2-3 and 5-13 depend from claim 1, claims 15-19 depend from claim 14, claims 21-25 and 41 depend from claim 20, claim 27 depends from claim 26, claims 29-31 depend from claim 28, claims 33-35 and 49 depend from claim 32, claims 37-38 depend from claim 36, claims 43-45 depend from claim 42, and claims 47-48 depend from claims 46. Thus, each of these dependent claims include all of the elements recited in the independent claim from which they depend. Therefore the cited references used in the 35 U.S.C. § 102(e) rejection fail to teach all of the elements included in each of these dependent claims.

Since the references cited in the 35 U.S.C. § 102(e) rejection of claims 1-3, 5-38, and 41-49 fail to teach each of the elements included in claims 1-3, 5-38, and 41-49, the 35 U.S.C. § 102(e) rejection of claims 1-3, 5-38, and 41-49 cannot stand. Therefore, Applicants respectfully request withdrawal of the rejection, and reconsideration and allowance of claims 1-3, 5-38, and 41-49.

§103 Rejection of the Claims

Claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hinson et al. (U.S. 6,829,770) and by Thatte et al. (U.S. 6,442,620) and by Teegan et al. (U.S. 6,748,555). in view of Berg et al. (U.S. 5,999,911).

The proposed combination of references of Hinson et al., Thatte et al., Teegan et al., and Berg et al. fails to teach all of the elements included in claims 39 and 40.

As noted above, claim 36 recites, "a plurality of workflow server engines connected to the centralized database server, wherein the database server provides information to the workflow server engines for executing workflows in response to an event." Applicants believe they have established that the references of Hinson et al., Thatte et al., and Teegan et al., either alone or in combination, fail to teach or suggest all of these elements of claim 36. Applicants fail to find, and the Final Office Action fails to point out, in Berg et al. where these elements recited in claim 36 and missing from Hinson et al., Thatte et al., and Teegan et al., are taught or suggested by Berg et al.

Claims 39 and 40 depend from claim 36, and so include all of the elements included in claim 36, including the elements not found in the proposed combination of Hinson et al., Thatte

et al., Teegan et al., and Berg et al. Thus, the proposed combination of references fails to teach or suggest all of the elements included in claims 39 and 40.

In addition, Applicants respectfully submit that claims 39 and 40 include additional elements that are not taught or suggested by the proposed combination of Hinson et al., Thatte et al., Teegan et al., and Berg et al.

With respect to claim 39, which properly depends on claim 36 which is allowable for at least the reasons stated above, the cited references fail to teach or suggest a 'locking mechanism for preventing access to the database server' as recited in claim 39. Applicants respectfully submit that Berg et al. teaches locking the file, which when used, allows a number of users to share access to the file without file corruption. Applicants respectfully submit that locking a file and a locking mechanism for preventing access to the database server are distinctly different. Berg et al. is concerned with preventing corruption of files due to multiple users accessing the same file. In embodiments of the present invention, preventing access to the database server alleviates the problems associated with numerous processes requesting access to the database server itself, not individual files accessible to the database server.

With respect to claim 40, which properly depends from claim 39, Applicants respectfully point out that a dependent claim incorporates all the elements of the claim from which it depends and is allowable for at least the reasons stated above.

For at least the reasons stated above, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection and reconsideration of the allowance of claims 39 and 40.

Documents Cited but Not Relied upon for this Final Office Action

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Final Office Action since these references are not made part of the rejections in this Final Office Action. Applicants are expressly not admitting to this assertion and reserve the right to address the assertion should it form part of future rejections.

Reservation of Rights

Applicants do not admit that references cited under 35 U.S.C. §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserves the right to swear behind them at a later date. Arguments presented to distinguish such references should not be construed as admissions that the references are prior art.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 12/19/05

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of December, 2005.

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Signature